

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

E.W. a minor, by and through CRAIG
SCHAUERMANN, her Guardian Ad Litem,

Plaintiff,

vs.

THOMAS HENRY MOODY; BATTLE
GROUND SCHOOL DISTRICT NO. 119,
a public corporation; MARLA D. ERATH;
and CYNTHIA S. LARSON,

Defendants.

NO. 06-05253-BHS

DECLARATION OF MICHAEL B.
TIERNEY IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

Noted on Motion Calendar:
Friday, October 5, 2007

I, Michael B. Tierney, declare the following to be true under penalty of perjury
under the laws of the State of Washington:

1. I am the attorney for the Defendant Battle Ground School District,
Cynthia Larson and Marla Erath, am over the age of 21, and make this declaration
based upon personal knowledge.

2. Attached here to as exhibits are true and correct copies of the following
documents:

MICHAEL B. TIERNEY, P.C.

2955 80th AVE SE

SUITE 205

MERCER ISLAND, WASHINGTON 98040

TELEPHONE: (206) 232-3074

FACSIMILE: (206) 232-3076

- 1 Exhibit 1 Excerpts of the Deposition of Thomas Moody;
- 2 Exhibit 2 Excerpts of the Deposition of Nancy Bone;
- 3 Exhibit 3 Excerpts of the Deposition of E.W.;
- 4 Exhibit 4 Excerpts of the Deposition of Mrs. W.;
- 5 Exhibit 5 Excerpts of the Deposition of Mr. W.;
- 6 Exhibit 6 Excerpts of the Deposition of William Coats;
- 7 Exhibit 7 Excerpts of the Deposition of Sheryl Stevens;
- 8 Exhibit 8 Declaration of Erica Sturm;
- 9 Exhibit 9 Devil's Lake, North Dakota Police Report;
- 10 Exhibit 10 Policy 211 – Qualifications and Duties of Superintendent;
- 11 Exhibit 11 Policy 212 – Management Team;
- 12 Exhibit 12 Policy 213 – Administration in the Absence of Policy and
- 13 Procedures;
- 14 Exhibit 13 Policy 220 – School Principals;
- 15 Exhibit 14 Procedure 220 – School Principals;
- 16 Exhibit 15 Policy 342.1 – Child Abuse and Neglect;
- 17 Exhibit 16 Procedure 342.1 – Child Abuse and Neglect;
- 18 Exhibit 17 Policy 411 – Harassment (Student);
- 19 Exhibit 18 Procedure 411 – Harassment (Student);
- 20 Exhibit 19 Policy 412 – Nondiscrimination;
- 21 Exhibit 20 Procedure 412 – Nondiscrimination;
- 22 Exhibit 21 Policy 451.11-451.12 – Student Rights;
- 23 Exhibit 22 Policy 1005 – Key Functions of the Board;
- 24
- 25

1 Exhibit 23 Policy 1310 – Policy Adoption Manuals and Administrative
2 Procedures;

3 Exhibit 24 Policy 1620 – Board-Superintendent Relationship;

4 Exhibit 25 Policy 6590 – Sexual Harassment;

5 Exhibit 26 Policy 1000 – Legal Status and Operation;

6 Exhibit 27 Policy 1330 – Administration in the Absence of Policy and
7 Procedures.

8 3. The School District policies and procedures are excerpted from the policy
9 manuals that were produced by the School District to the plaintiff in the course of this
10 litigation.

11 4. The Exhibit to the Declaration of Erica Sturm, Exhibit 8 above, is
12 excerpted from documents produced by the plaintiff in this litigation which were
13 reportedly obtained from the Clark County Prosecutor's file on the Moody prosecution.

14 5. Exhibit 9 is a document purporting to be a portion of a police investigation
15 file from the Devil's Lake, North Dakota Police Department. The file was produced by
16 the plaintiff in the course of this litigation.

17 DATED this 11th day of September, 2007 at Mercer Island, Washington.

18 MICHAEL B. TIERNEY, P.C.

19
20 By: /s/ Michael B. Tierney
21 Michael B. Tierney, WSBA No. 13662

DECLARATION OF SERVICE

I, Michael B. Tierney, declare under penalty of perjury under the laws of the State of Washington that on September 11, 2007, I caused the attached document to be filed with the Clerk of the Court using the CM/ECF system. Notice of filing and documents will be sent via email from the Court to:

Erin K. Olson
Law Office of Erin K. Olson
806 SW Broadway, Suite 800
Portland, OR 97205
Email: eolson@erinolsonlaw.com

Jeffrey D. Eberhard
Smith Freed & Eberhard, P.C.
1001 SW Fifth Avenue, Suite 1700
Portland, OR 97204
Email: jeberhard@smithfreed.com

DATED this 11th day of September, 2007.

/s/ Michael B. Tierney
Michael B. Tierney